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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ANDREJA STEVANOVIC,  
Plaintiff,

v.

ROSEMARY MELVILLE, District Director,  
U.S. Citizenship and immigration Services,  
San Francisco District Office;  
EMILIO T. GONZALEZ, Director,  
U.S. Citizenship and Immigration Services;  
MICHAEL CHERTOFF, Secretary of the  
U.S. Department of Homeland Security;  
ROBERT MUELLER, Director,  
Federal Bureau of Investigations,  
Defendants.

No. C 07-5836 BZ

**ANSWER**

The Defendants hereby submit their answer to Plaintiff's Complaint for a Writ in Nature of Mandamus.

The initial paragraph consists of plaintiff's characterization of this action, to which no responsive pleading is required; however, to the extent a responsive pleading is necessary, defendants deny the allegation that they have improperly withheld action on the application for adjustment of status to plaintiff's extreme detriment.

ANSWER  
C 07-5836 BZ

**PARTIES**

1. Defendants admit the allegations in Paragraph One.
2. Defendants admit the allegations in Paragraph Two.
3. Defendants admit the allegations in Paragraph Three.
4. Defendants admit the allegations in Paragraph Four.
5. Defendants admit the allegations in Paragraph Five.

**JURISDICTION**

6. Paragraph Six consists of Plaintiff's allegations regarding jurisdiction, to which no responsive pleading is required; however, to the extent a responsive pleading is deemed necessary, Defendants deny that this Court has jurisdiction under any of the provisions cited in Paragraph Six.

**VENUE**

7. Paragraph Seven consists of Plaintiff's allegations regarding jurisdiction, to which no responsive pleading is required.

**EXHAUSTION OF REMEDIES**

8. Defendants deny the allegations in Paragraph Eight.

**CAUSE OF ACTION**

9. Defendants admit the allegations in Paragraph Nine.
10. Defendants deny the allegations in Paragraph Ten because Plaintiff's application was filed on July 10, 2006.
11. Defendants admit the allegations in Paragraph Eleven.
12. Defendants admit the allegations in Paragraph Twelve.
13. Defendants admit the allegations in Paragraph Thirteen.
14. Defendants admit the allegations in Paragraph Fourteen; however, Defendants deny Plaintiff's "eligibility."
15. Defendants deny the allegations in Paragraph Fifteen.
16. Defendants are without sufficient information or knowledge to either admit or deny the allegations in Paragraph Sixteen.

17. Defendants deny the allegations in Paragraph Seventeen.

**RELIEF REQUESTED**

18. Paragraph Eighteen consists of Plaintiff's prayer for relief, to which no admission or denial is required; to the extent a responsive pleading is deemed to be required, Defendants deny this paragraph.

**FIRST AFFIRMATIVE DEFENSE**

Plaintiff's complaint fails to state a claim upon which relief may be granted.

**SECOND AFFIRMATIVE DEFENSE**

The court should dismiss the Complaint for lack for subject matter jurisdiction.

WHEREFORE, Defendants pray for relief as follows:

That judgment be entered for Defendants and against Plaintiff, dismissing Plaintiff's Complaint with prejudice; that Plaintiff takes nothing; and that the Court grant such further relief as it deems just and proper under the circumstances.

Dated: January 22, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO  
United States Attorney

/s/  
EDWARD A. OLSEN  
Assistant United States Attorney  
Attorneys for Defendants